

## **Category #45:**

Changes are needed to the Guideline Appendices.

### **State Response:**

Appendix #1 of the Guidelines was amended and is now a document that must be completed and signed by a certified test lab and not by the manufacturer. Green Seal or Environmental Choice certification documentation will no longer be required from companies/vendors who have such certification. Cleaning product information posted on the both the Green Seal and Environmental Choice websites will meet OGS requirements for being list on the sample list of approved products. Appendix #1 will now only be required for companies/vendors who are not Green Seal or Environmental Choice certified, but believe their products meet these standards. They will have to submit this affidavit, which has been amended, from a certified testing lab, stating that their product meets or exceeds the health and environment standards of either Green Seal or Environmental Choice. Appendix #2 will remain as originally stated. Vendors who feel their floor finish meets the requirements stated on the form, must submit forms from three different educational facility customers, attesting to these requirements. Appendix #3 (Environmental/Health Criteria for Cleaning Products (Green Seal Inc. GS-37 for Industrial and Institutional Cleaners) has been amended to include the Green Seal sections on Training, Animal Testing and Labeling Requirements.

### **Frequently Asked Public Comment:**

#### **Changes to Overview Section of the Guidelines and Specifications**

##### **--General Introductory Comments**

Although this document is intended to provide a “mechanism for schools to select [green cleaning] products”, we believe that it is presented more like a policy document than a guidance document. If the document is indeed intended as guidance for schools, we recommend modifying it to include some of the following chapters in order to better introduce the subject to the school audience, walk them through the decision-making process that you followed and, finally, provide them with a systematic approach for purchasing and using these products:

##### **(1) Introduction (Based on the current Overview)**

This section could include the following information in addition to the brief statements regarding the purpose of the document, the legislation and the relationship to EO #134. Please add the “How to Use this Document” section. Make it clear up-front that schools are required to use this document. Then provide a brief run-through on how they should review the document. Let them know that the list of approved cleaning products and actual guidelines for purchasing and use are at the end.

(Marcia Deegler, Operational Services Division, Environmental Purchasing Program Manager and Dmitry Nikolayev, Operational Services Division, Deputy Procurement Team Leader, Facilities)

##### **--OVERVIEW – Suggested Changes**

##### **A. Purpose of Guidelines – Second Paragraph**

**Recommended Change:** This document recommends a mechanism for schools to select products that have comparable or superior utility (i.e. cleaning effectiveness) to products currently used in schools. The goal of using environmentally sensitive cleaning and maintenance products is to reduce, as much as possible, exposure of children, ~~and~~ school staff and the general public to potentially harmful chemicals and substances used in the cleaning and maintenance of school facilities. This goal must work hand in hand with the requirement that cleaning products clean effectively by insuring the removal of soil from surfaces without damaging the surface and virtually leaving no soil or chemical residue.

**Justification:** School buildings are community hubs and occupied at various points by children,

school staff AND parents, community members, vendors, and others.

C. Definition of Environmentally Sensitive Cleaning and Maintenance Products

Recommended Change: "Environmentally sensitive cleaning and maintenance products" are defined as cleaning and maintenance products that minimize adverse impacts on children's health and the environment, while cleaning effectively, ~~as determined by the OGS Commissioner.~~ Public and non public elementary and secondary schools are to use these guidelines in selecting products that are available in the "form, function and utility" currently used by schools. Cleaning and maintenance products that are the same in form, function and utility as products currently used in schools, but that have eliminated or lowered concentrations of potentially harmful chemicals, are increasingly being developed and are available in the marketplace.

Justification: The paragraph above appears to quote the new statute (Chapter 584 of the Laws of 2005). Upon our review of the statute, we did not see the language "as determined by the OGS Commissioner." We recommend the guidelines be consistent with the new law.

(Signed By: David Brooks (Malone CSD), President & Frederick Koelbel (West Islip UFSD), 1<sup>st</sup> Vice President, Legislative Committee Chairman)(Submitted By: Kathleen Van De Loo, Executive Director, (NYS SBGA) NYS Association for Superintendents of School Buildings and Grounds, Inc., Albany, NY)

Suggested Additions/Modifications to Appendices

--(A) Appendix #1 – Amend to include a column for Greenguard Certification forms.

(B) Appendix #3 - Subsection 6 - Separate out "poor indoor air quality" into second bullet (or additional subsection) that addresses "emissions". Emissions should be defined to specifically include dynamic environmental chamber testing following a standard testing protocol and program for retesting. Within the section insert "The chemical and particle emissions of the product as used should not exceed a specified number for acute and chronic endpoints for TVOC, formaldehyde, carcinogens, mutagens, teratogens, irritants, and odorants et al".

(Ben Taube, Public Affairs Manager, Greenguard Environmental Institute)

--Comments on Section VIII. Appendix I.

(1) Below is a suggested draft approach to recognizing qualified environmentally sensitive products that is more inclusive and flexible in order to ensure that NY will obtain products that meet the criteria of human and environmental health protection, as well as cost effectiveness and fairness:

PRODUCT NAME	PRODUCT APPLICATIONS	CERTIFICATION OR RECOGNITION PROGRAM (Yes/No/TYPE)*	CERTIFICATION/ VERIFICATION PERFORMED BY	PERFORMANCE TESTS (Meets/ Exceeds)	PERFORMANCE VERIFICATION PERFORMED BY:
ALPHA	Hand soap	GS-41	Green Seal	ASTM 123	UL
BETA	Carpet cleaner	DfE	U.S. EPA	ASTM xyz	GLP Lab
GAMMA	General Purpose Cleaners	GS-37	NSF International	ASTM abc	In-house

\*LIST OF APPROVED CERTIFICATION OR RECOGNITION PROGRAMS (to be provided by NY)

(2) Add descriptions of other qualified standards and recognition programs to the appendix.

(Lauren Heine, Ph.D., Dir. Applied Science, GreenBlue, Charlottesville, VA)

--SECTION VIII - APPENDICES

**B. APPENDIX #1 – DELETE**

**C. APPENDIX #2 – DELETE**

**D. APPENDIX #3 – We recommend the inclusion of Green Seal, Inc. sections 14.0 – 14.15 in its entirety**

(Signed By: David Brooks (Malone CSD), President & Frederick Koelbel (West Islip UFSD), 1<sup>st</sup> Vice President, Legislative Committee Chairman)(Submitted By: Kathleen Van De Loo, Executive Director, (NYS SBGA) NYS Association for Superintendents of School Buildings and Grounds, Inc., Albany, NY)

--We urge that the Guidelines be revised to remove Section V (Designation of Approved Products) and associated appendices that require Green Seal certification of products. We encourage the Office of General Services to adopt more flexible Guidelines that offer general statements of principle regarding desirable attributes of "environmentally sensitive" products without setting out prescriptive standards that fail to address basic issues of product efficacy and health protection.

(Submitted by Geoff Hall, State and Local Affairs Manager, Northeast Region, American Chemistry Council, Albany, NY on behalf of Stephen Rosario, Executive Director, NYS Chemical Alliance and William F. Carroll, Ph.D, Acting Managing Director, Chlorine Chemistry Council)

--Section VIII. Appendices:

C. Appendix #3 (pages 22-24)

Page 22, Appendix #3, section 1: The requirement that the product as a whole be tested or toxicity data be available on all the ingredients in a formulation could promote unnecessary animal testing. Alternative means of assessing the toxicity of products should be presented in order to avoid this outcome.

Page 22, Appendix #3, section 2: The requirement that the product not contain any ingredients that are known to cause reproductive toxicity without consideration of the risk posed by those ingredients is inappropriate. Reference is made to the list of chemicals known to cause reproductive toxicity of the State of California under the Safe Drinking Water and Toxic Enforcement Act, but the criteria ignores the process under the California law that allows a determination of "no significant risk" to be made through risk assessment. At a minimum, New York State should assess the California risk assessment process and consider adoption of pertinent components into this guideline.

Page 23: item #7: This characteristic should be clarified. Almost all chemicals can be toxic to aquatic organisms at some concentration. The applicable criteria should be presented.

Page 24, item #12 and page 26, item (i): The requirement for fragrances to be disclosed on MSDS could entail disclosure of confidential business information. Provisions should be included in these criteria to allow protection of fragrance information that is confidential.

E. Appendix #5 (pages 27-30)

ESU should consider other product specific environmental requirements beyond the limitations of 100% recovered materials, including 20% post-consumer materials. Whether recycled fiber makes sense in a particular paper product is a case-by-case decision resulting in some products using 100% recycled fiber, some using none, and many using something in between. Manufacturers evaluate whether a reliable local supply of recovered fiber is available. They also look at how the product is used (food contact, hygiene, etc.) and whether recycled fiber can be safely used and meet applicable regulations. They also determine if desired product attributes can be achieved since the recycling process shortens and stiffens fibers. Last, they make sure that the environmental benefits of recycling have not been cancelled out by a need for excessive processing (de-inking, washing, etc.) or by impacts on energy use and waste generation during the product manufacture. For example, tissue products are some of the more difficult products to incorporate recycled fiber because they have to be absorbent, strong when wet, and soft; and the recycled fiber has to be de-inked. The important item is that when recycled fiber cannot be used, fiber from sustainably managed, certified forests is used. Much of this is from "waste" material created from lumber production such as the bark, sawdust, etc.

(Martha R. Macy-Ruhe, Product Safety & Regulatory Affairs, P&G Household Care, The Proctor & Gamble Company, Cincinnati, OH)

